

Response under 37 CFR 1.111  
Serial No. 09/931,858  
Attorney Docket No. 011049

### **REMARKS**

Claims 1 - 8 are pending in the present application. No amendments have been proposed. Reconsideration in view of the following remarks is respectfully requested. Applicant respectfully submits that this response is fully responsive to the Office Action dated June 13, 2005.

#### **As to the Merits:**

As to the merits of this case, the Examiner now relies on the newly cited references of Brusky (U.S. Patent No. 6,285,406) and Kim (U.S. Patent No. 6,044,473) in setting forth the following rejection:

claims 1-8 stand rejected under 35 USC 103(a) as being unpatentable over Brusky in view of Kim and in further view of Arnold (U.S. Patent No. 6,289,452, of record).

This rejection is respectfully traversed.

Independent claim 1 calls for *a data recording device recording said encrypted content data and said license key therein, and receiving authentication data and outputting said license key only when said authentication data is authenticated; ... wherein when said detection unit detects that said casing is closed after download of said encrypted content data is started, said*

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*power supply control unit controls supplying power required for a call to complete downloading said encrypted content data.* Independent claim 5 is drawn to a similar embodiment.

Independent claim 3 calls for *a reproduction unit reproducing said encrypted content data recorded in said data recording device; ... wherein when said detection unit detects that said casing is closed after reproduction of said encrypted content data is started, said power supply control unit controls supplying power required for a reproduction process to complete reproducing said encrypted content data.* Independent claim 7 is drawn to a similar embodiment.

For example, as shown in the flow chart of Fig. 13 and as discussed on pages 27 and 28 of the present application, the controller 1106 determines in step S1008 whether the downloading has completed. If the controller determines that the downloading still continues, a detection unit 1117 determines whether the casing of cellular phone 100 has been closed, step S1010. If the casing is closed, the cellular phone is conferred a status on to continue a download process until the current downloading completes, step S1012. With this status, power supply control unit 1116 continues to supply each circuit with a power supply voltage required for the call. Then the amount of data distributed or the like is monitored by controller 1106 to determine whether the downloading has completed, step S1014.

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With regard to the primary reference of Brusky, the Examiner asserts that “Brusky teaches that when the power switch is turned off, power supply control unit controls supplying power called to complete downloading data, (Col 5 lines 50-55).”<sup>1</sup>

However, it is respectfully submitted that the Examiner is mis-characterizing the teachings of Brusky. That is, Brusky is simply not concerned with controlling the supply of power to complete downloading data if the power switch is turned off during downloading.

That is, according to col. 5, lines 48-55 of Brusky:

Thus, in the event of a power outage, when the PC/TV reboots it will be placed back into “soft-off” after Windows (or whatever operating system is in use) starts, if that was the state it was in before being powered off. Another situation is one in which the PC/TV is in “soft-off,” and some event (such as a programmed VCR recording or TV program guide download) occurs that inclines to drive the PC/TV to return to full power.

In view of the above, it is clear that Brusky merely discloses that 1) if the PC/TV is in the “soft-off” and a power outage occurs, the PC/TV will reboot back into the “soft-off” state when power is tuned on, or 2) if the PC/TV is in “soft-off” and a event occurs, such as a TV program guide download, then the PC/TV will return to full power from the “soft-off.”

In other words, it is submitted that Brusky fails to disclose any features of the present claimed invention regarding *a data recording device recording said encrypted content data and*

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<sup>1</sup> Please see, lines 14-16, page 2 of the Action.

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*said license key therein, and receiving authentication data and outputting said license key only when said authentication data is authenticated; ... wherein when said detection unit detects that said casing is closed after download of said encrypted content data is started, said power supply control unit controls supplying power required for a call to complete downloading said encrypted content data.*

Further, with regard to the secondary reference of Kim, the Examiner asserts that “Kim teaches a terminal with a switch to change the power status when the casing of the terminal is closed, (Col 3 lines 1-16).”<sup>2</sup>

However, according to Kim:

While the display 10 turns from point A to point B, the lever 12 and the contact 13 connect when the display 10 and the main housing 20 are at an angle of less than 90 degree. At this point, the switch 11 is turned on and a signal from the switch 11 changes the power of a computer system to a power controlling mode.<sup>3</sup>

That is, in Kim, the power controlling mode is actuated when the display 10 is turned to point B, Fig. 1, and not when the casing of the terminal is closed, as asserted by the Examiner.

Moreover, Kim is completely silent with regard to *a data recording device recording said encrypted content data and said license key therein, and receiving authentication data and*

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<sup>2</sup> Please see, lines 18-19, page 2 of the Action.

<sup>3</sup> Please see, lines 28-33, col. 3 of Kim.

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*outputting said license key only when said authentication data is authenticated; ... wherein when said detection unit detects that said casing is closed after download of said encrypted content data is started, said power supply control unit controls supplying power required for a call to complete downloading said encrypted content data.*

Thus, it is submitted that Kim fails to disclose the above-noted drawbacks and deficiencies of the primary reference of Brusky.

Furthermore, it is respectfully submitted that the additional secondary reference of Arnold fails to teach the above-noted drawbacks and deficiencies of Brusky and Kim.

As such, it is believed that Brusky, Kim and Arnold neither disclose nor suggest *a data recording device recording said encrypted content data and said license key therein, and receiving authentication data and outputting said license key only when said authentication data is authenticated; ... wherein when said detection unit detects that said casing is closed after download of said encrypted content data is started, said power supply control unit controls supplying power required for a call to complete downloading said encrypted content data, as required by claim 1.*

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In addition, it is also believed that these references neither disclose nor suggest the features of the other independent claims 3, 5 and 7.

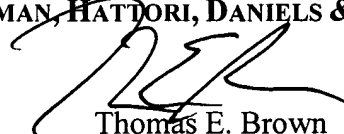
In view of the aforementioned remarks, Applicant submits that that the claims are in condition for allowance. Applicant requests such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney to arrange for an interview to expedite the disposition of this case.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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